

# Morgan Lewis

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May 26, 2021

**VIA NYSCEF**

Hon. Sidney H. Stein  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: *Walfish v. Northwestern Mutual Life Ins. Co., et al.*, No.: 16-cv-5534 (SHS)**

Dear Judge Stein:

The parties write jointly seeking the Court's guidance concerning the trial in the above matter, which is currently set for a June 28, 2021 start date. Beginning very soon, the parties will need to address logistical issues for witness travel, accommodations, and scheduling because seven of the anticipated trial witnesses (including several non-party witnesses) will need to fly to New York from out of state (from Wisconsin, Florida, and Arizona) to testify at the trial.

The parties had hoped to learn during the May 27th final pretrial whether this matter will proceed to trial as scheduled on June 28th, recognizing that the Court is continuing to work through the enormous and challenging backlog of trials left by the COVID-19 shutdown. In addition, Plaintiff had hoped to discuss issues relating to the trial availability of his expert witness, who had scheduled an out-of-state vacation for the week of trial before the Court set the trial date (the expert will make himself available for a remote appearance the week of June 28, if necessary and permitted). Yesterday, we received a notice advising that the May 27th pretrial conference has been adjourned until June 14th, just two weeks prior to the scheduled trial date. Given the need for the out-of-state witnesses to finalize travel plans prior to June 14th (including paying for flights and hotels), we respectfully request that the Court provide guidance as to whether June 28th is expected to be a firm date for trial, or whether travel plans ought to be held for a later date.

The parties would also welcome a teleconference or videoconference with the Court, if Your Honor believes that would be easier or more efficient way of addressing this issue.

Respectfully submitted,

***s/ Sean P. Lynch***

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